



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT,  
AND ACADEMIC ACHIEVEMENT FOR LIMITED ENGLISH PROFICIENT STUDENTS

July 22, 2005

Dr. Richard Melmer  
Secretary of the Department of Education  
700 Governor's Drive  
Pierre, SD 57501

Dear Secretary Melmer:

During the week of April 28-9, 2005, a team from the U.S. Department of Education's (ED) Office of English Language Acquisition, Language Enhancement and Academic Achievement for Limited English Proficient Students (OELA) office reviewed the South Dakota Department of Education's administration of the Title III, Part A under the No Child Left Behind Act of 2001 (NCLB). Enclosed is a report based upon that review.

Due to the increased emphasis on accountability for all students, and a focus on States' responsibilities to work with districts and schools to improve instruction and boost student achievement, ED is committed to working closely with States to define their responsibilities. OELA has developed a monitoring process that is aligned to the changes brought about by NCLB. Prior to, and during the onsite monitoring review, the OELA team conducted a number of activities (described in the attached report) to verify compliance with the critical monitoring indicators under each monitoring element.

The enclosed report contains a listing of the critical monitoring indicators under each monitoring element, a description of the scope of the monitoring review, and the findings, recommendations and commendations that the team cited as a result of the review. Within 30 days of the date of this letter, please provide us with a detailed description of the actions your office has taken, or will take, regarding issues outlined under the "Further Action Required" headings in this report.

The OELA team would like to commend the South Dakota Department of Education staff, Sioux Falls School District, and Ann Larsen for the hard work and assistance they provided prior to and during the review in gathering materials and providing access to information in a timely manner. The team was impressed with the efforts of your State's staff to implement the many requirements of Title III, Part A of NCLB.

We look forward to working further with your staff members in any follow-up activities, and in assisting them to improve the delivery of Title III services in the state of South Dakota.

Sincerely,

  
Kathleen Leos  
Associate Deputy Secretary

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## **South Dakota Department of Education**

April 28-29, 2005

**Scope of Review:** A team from the U.S. Department of Education's (ED) Office of English Language Acquisition, Formula Grant Division reviewed the South Dakota Department of Education (SDDE) the week of April 28-29, 2005. This was a comprehensive review of SDDE's administration of the following program authorized by the No Child Left Behind Act (NCLB): Title III, Part A.

In conducting this comprehensive review, the ED team carried out a number of major activities. In its review of the Title III, Part A program, the ED team analyzed evidence of implementation of the State accountability system, reviewed the effectiveness of the language instruction educational programs and professional development processes established by the State to benefit local educational agencies (LEAs) as well as district level professional development implementation and reviewed compliance with fiscal and administrative oversight activities required of the State educational agency (SEA). During the onsite review, the ED team visited one LEA: Sioux Falls School District. In each of the school districts, the ED team interviewed administrative staff and teaching staff from the schools and the districts.

**State representatives:** Dr. Rick Melmer, Secretary of Education; Janet Ricketts, Director of Educational Services; Dianna Lowery, State Title I Director; Dr. Gary Skoglung, State Assessment Director; Susan Woodmansey, Data Collection Program Administrator; Mark Gagebay, Title III Education Program Representative; Ann Larsen, State Title III Coordinator

**LEA representatives:**

- Sioux Falls P.S.: Dr. Pam Homan, Superintendent of Sioux P.S.; Dr. Al Kolsters, Sioux Falls School District Title III Coordinator; Shirley Seigfred, Fiscal Officer; Sara Waring Bilingual, Grant Coordinator;
- Andes Central School District: Ruth Krough, Federal Program Coordinator.

**USED representatives:** Dr. Sue Kenworthy (Education Program Specialist) and Ana Garcia (Education Program Specialist)

**Previous Audit Findings:** not reviewed.

**Previous Monitoring Findings:** None. This was the first Title III monitoring visit.  
Information only: Element 1.1

### Summary of Title III, Part A Monitoring Indicators

| <b>Title III, Part A: Submission Indicators</b> |   |   |             |
|---|---|---|-------------|
| <b>Element Number</b>                           | <b>Critical element</b>   | <b>Status</b>                               | <b>Page</b> |
| Element 1.1                                     | State Submissions: Follow-up on areas identified through desk audit and document reviews.   | Comments No Action Required                 | 6           |
| <b>Title III, Part A: Fiduciary Indicators</b>  |   |   |             |
| Element 2.1                                     | Audits The SEA ensures that its LEA/Subgrantees are audited annually in accordance with the Single Audit Act, and that all corrective actions required through this process are fully implemented   | Reviewed No Action Required                 | 6           |
| Element 2.2                                     | Allocations, Reallocations, and Carryover<br>The SEA complies with— <ul style="list-style-type: none"> <li>• The procedures for Title III allocations outlined in Sec. 3114.</li> <li>• The procedures for allocating funds for immigrant children and youth programs as outlined in Sec. 3114(d).</li> </ul> The reallocation provisions in Sec. 3114(c) | Reviewed No Action Required<br>Commendation | 6           |
| Element 2.3                                     | Reservation of funds:<br>The SEA has a system in place that enables it to account for:<br>(1) funds reserved for State administration,<br>(2) funds reserved to provide technical assistance and other state level activities<br>(3) the reservation of funds for immigrant activities, and<br>(4) funds that become available for reallocation.          | Reviewed No Action Required                 | 6-7         |
| Element 2.4                                     | Supplement Not Supplant: The SEA ensures that Title III funds are used only to supplement or increase non-Federal sources used for the education of participating children and not to supplant funds from non-Federal sources.  | Recommendation<br>Commendation              | 7           |
| Element 2.5                                     | Equipment and Real Property: The SEA ensures that equipment is procured at a reasonable cost and is necessary for the performance of the Federal award. Title III funds cannot be used to acquire Real Property.  | Not reviewed                                | 7           |



**Title III, Part A: ELP Standards, Assessments and Accountability Indicators**

| <b>Element Number</b> | <b>Critical element</b>   | <b>Status</b>               | <b>Page</b> |
|-----------------------|---|-----------------------------|-------------|
| Element 3.1           | English language proficiency Standards: State English language proficiency standards have been developed, adopted, disseminated, and implemented  | Reviewed No Action Required | 7           |
| Element 3.2           | ELP Assessments: ELP assessments have been administered to all LEP students in the State in grades K-12. Accountability through data collection has been implemented.   | Commendation                | 7-8         |
| Element 3.3           | Data Collection The State established and implemented clear criteria for the administration, scoring, analysis, and reporting components of its ELP assessments, and has a system for monitoring and improving the on-going quality of its assessment systems | Reviewed No Action Required | 8           |
| Element 3.4           | New English language proficiency Assessment: Transition to new ELP assessment or revising the current State ELP assessment  | Recommendation              | 8           |
| Element 3.5           | Annual Measurable Achievement Objectives (AMAOs) AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs   | Reviewed Recommendation     | 8-9         |
| Element 3.6           | Data system in place to meet all Title III data requirements including capacity to follow Title III served students for two years after exiting; State approach to follow ELP progress and attainment over time, using cohort model                           | Reviewed No Action Required | 9           |

**Title III, Part A: State Level Activities; LEA Authorized and Required Activities, Immigrant Children and Youth Indicators**

| <b>Element Number</b> | <b>Description</b>   | <b>Status</b>                               | <b>Page</b> |
|-----------------------|--|---|-------------|
| Element 4.1           | <p>State Level Activities</p> <p>Using funds reserved for State-level activities, the State carries out one or more activities that may include:</p> <ul style="list-style-type: none"> <li>• Professional development</li> <li>• Planning, evaluation, administration and interagency coordination</li> <li>• Promote parental and community participation</li> <li>• Provide recognition</li> </ul>  | Reviewed No Action Required                 | 9           |
| Element 4.2           | <p>Required Subgrantee Activities</p> <p>The LEA/Subgrantee is responsible to increase the English proficiency of LEP students by providing high quality language instructional programs and to provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instructional programs), principals, administrators, and other school or CBO personnel</p> | Reviewed No Action Required<br>Commendation | 9-10        |
| Element 4.3           | <p>Authorized Subgrantee Activities</p> <p>The LEA may use the funds by undertaking one or more authorized activities</p>  | Reviewed No Action Required                 | 10          |
| Element 4.4           | <p>Activities by Agencies experiencing substantial increases in immigrant children and youth:</p> <p>The subgrantee receiving funds under section 3114 (d) (1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth</p>  | Reviewed No Action Required                 | 10          |

| <b>Title III, Part A: State Review of Local Plans</b>     |   |                                |             |
|---|---|--------------------------------|-------------|
| <b>Element Number</b>                                     | <b>Critical element</b>   | <b>Status</b>                  | <b>Page</b> |
| Element 5.1   | SEA ensures that its LEAs comply with the provision for submitting an annual application to the SEA (Section 3116 (a))  | Reviewed<br>No Action Required | 10-11       |
| Element 5.2   | Private School Participation: LEAs are complying with NCLB requirements regarding participation of LEP students and teachers in private schools under Title III | Reviewed<br>No Comments        | 11          |
| Element 5.3   | Teacher English fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116 (c))                 | Recommendation                 | 11          |
| <b>Title III, Part A: State Monitoring of Subgrantees</b> |   |                                |             |
| Element 6.1   | Monitoring<br>The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements                                | Reviewed No Action<br>Required | 11          |
| Element 6.2   | Consortia: Any governance issues in the State; policy of fiscal agents  | Recommendation                 | 11          |
| <b>Title III, Part A: Parental Notification</b>           |   |                                |             |
| Element 7.1   | Parental Notification: Provisions for identification and placement and for not meeting the AMAOs; notification in an understandable format (Section 3302)       | Reviewed No Action<br>Required | 12          |

**Title III, Part A**  
**State Submission Indicators**

**Element 1.1- State Submissions**

**Reviewed Comments:** The State has submitted all required reports to OELA. A summary of the South Dakota's Consolidated Report includes the following excerpt: South Dakota's ELP standards were formally adopted by their State Board in June 2004. Currently South Dakota uses the Stanford English Language Proficiency Test to assess progress. South Dakota has submitted a timeline for enhancing the SELP and aligning the SELP to their ELP standards.

Citation: Section 3123; 34 CFR 80.40

**Title III, Part A**  
**Fiduciary Indicators**

**Element 2.1 - Audits**

Reviewed-No Comments.

Citation: Circular A-133

**Element 2.2 – Allocations, Reallocations, and Carryover**

**Reviewed-Comments:** The State staff were able to demonstrate that the State distributed \$181/per LEP student to qualifying districts/consortia from the Title III formula funds for 2004-5; an allocation of \$35,000 was reserved this past year for immigrants. The state was able to demonstrate that the immigrant funds are distributed to the district that has shown "significant increase" in its immigrant population. Each LEA completes a monthly financial report, which is reviewed by the state for compliance, as well as a year-end report.

**Commendations:** The Title III SEA Director has fostered strong partnerships with the SEA fiscal staff to insure proper implementation of Title III funds.

Citation: OMB A-87; 34 CFR 76.720

**Element 2.3 – Reservation of funds**



Reviewed Comments: The state reserve has been used for the following: a portion of two salaries, travel, and also to fund professional development within the state.

Citation: Sections 3111

#### **Element 2.4 – Supplement Not Supplant**

Reviewed Comments: Although the state has an informational clause regarding supplement versus supplant in its application information, more information is given to the LEAs in a PowerPoint training session during the annual workshop regarding how to prepare a consolidated application. Further examples provided to the LEAs might alleviate questions regarding this issue.

Commendations: The district fiscal officer, in the LEA that was visited, produces a monthly report for schools/programs to help administrators track program expenditures.

Citation: Section 3115(g)

#### **Element 2.5 – Equipment and Real Property**

Not Reviewed.

Citation: OMB A-87; 34 CFR 76.533, 80.32

### **Title III, Part A ELP Standards, Assessments, and Accountability Indicators**

#### **Element 3.1 - ELP Standards**

Reviewed Comments: The ELP standards have been linked to South Dakota's reading, communication arts, and math standards. Every four years the State up-dates its content standards; the ELP standards will be a part of this process. The state has a "roll-out process" of dissemination to districts, providing training on new versions of standards.

Citation: Section 3113(b)(2)

#### **Element 3.2 - ELP Assessments**



Review Comments: Ninety percent of the districts use the IPT and the rest use the LAS for ELP assessment.

Commendations: The Title III SEA director has fostered a collaborative partnership within the State Office, building on strong associations with the state Assessment Director and the Title I Director, utilizing the best expertise of each for Title III services. The state has undertaken an alignment study with the SELP publisher and teacher nominees to conduct a two-way alignment study between the SELP and the English Language proficiency standards. The state has submitted a timeline that includes bias/content review, standard setting, etc.

Citation: Sections 3113(b)(3)(D) and Section 1111(b) 7

### **Element 3.3 – Data Collection (Reporting components of ELP assessments)**

Reviewed: No comments.

Citation: Section 1111 (b)(7); Section 3113 (b) (3) (D)

### **Element 3.4 – Transition to new ELP assessment**

Reviewed Comments- see Element 3.2. The State is encouraged to put in written form its plan for developing/tracking its AMAOs, plan for revision of AMAOs, and the progress of the State Advisory Group.

Citation: Section 1111 (b)(7); Section 3113 (b) (3) (D)

### **Element 3.5 – Annual Measurable Achievement Objectives (AMAOs)**

Reviewed Comments: A summary of South Dakota's Consolidated Report includes the following information: South Dakota did not meet their AMAOs for 2003-4 and cites the following as contributing to not meeting the AMAOs: the fact that the current assessment being used to track progress of ELLs is the SELP which is not currently aligned to state standards; a large Intermediate group of ELLs and the lack of movement of students out of the "Intermediate" level to the "Proficiency level". They are initiating an Advisory Group to review such issues as uniform LEP identification. Cut scores on the SELP are used to track progress and define proficiency, along with using the "modified-Angoff" (both a statistical and opinion) procedure. The State has requested a change in the definition of cohort for spring 2005. No technical difficulties are noted at this time.

Considerable time was spent during the Monitoring visit and through subsequent e-mails discussing modifications to the state's targets. The South Dakota Title III Director has been working with the Advisory Council and will continue to monitor the progress levels of the ELL students and the change in the assessment. To address the third component of the AMAOs, how students achieved in reading/language arts and math, the State used Title I 's calculation for determining AYP. These districts had utilized the "safe harbor" clause of Title I which allows that schools in which the number of students in a subgroup that scored below "Proficient" are reduced 10% from the prior year and the subgroup makes progress on other indicators and for each group, 95% of students enrolled participate in the assessments on which AYP is based, the school or district has met the conditions for AYP (National Title I Directors' Conference 2003).

It is also important for the State to follow closely the academic progress of ELL students in the State to insure that they are making academic progress in math and reading language arts since these components are requirements for the third AMAO and also AYP. The State is encouraged to continue the dialogue with OELA regarding the above AMAO progress indicators.

Citation: Sec.3122 (a)(3)(A)(i-iii)

#### **Element 3.6 – Data Collection (Data collection system)**

Reviewed Comments: South Dakota has demonstrated consistently that it has the capacity to both aggregate and disaggregate data according to Title III requirements. Much of this has been done by "hand calculations" but appears to have been submitted accurately.

Citation: Section 3121(a)(4), Performance Indicator 2.1. of the Consolidated State Application

### **Title III, Part A State Level Activities; LEA Authorized and Required Activities; Immigrant Children and Youth**

#### **Element 4.1 – State Level Activities**

Reviewed Comments: The State Advisory Council, organized by the Title III SEA, has been organized to advise the state on the unmet needs of LEPs within the State, to develop evaluations and reports, and to assist in implementing policies within the State.

Citation: Section 3111(b)(2)

#### **Element 4.2 – Required Subgrantee Activities**

Reviewed Comments: The district we visited is focusing on both professional development and student achievement for ELLs.

Commendations: The district and Center that we visited demonstrated among administrators a high level of commitment to ELL issues. This commitment was further demonstrated by the fact that there has been essentially no teacher turnover at the Center.

Citation: Section 3115(c)

#### **Element 4.3 – Authorized Subgrantee Activities**

Reviewed Comments: The LEA visited uses Title III funds for providing professional development to staff, an additional parent liaison position, and providing curriculum materials for ELL students.

Citation: Section 5115 (d)

#### **Element 4.4 – Activities by Agencies experiencing substantial increases in immigrant children and youth**

Reviewed Comment: The LEA that was visited is the major area within the State demonstrating “substantial increase” in immigrant population. This district has developed a comprehensive “Newcomer” Center to address the needs of its immigrant population. The Center, utilizing parent liaisons, offers comprehensive services to both students and parents, serving newly arrived students from Somalia, Russia and other countries. The Center also assists the district with providing curriculum guides, based on LEP and TESOL standards, for ESL teachers within the district.

Citation: Section 3114 (d)(1)

### **Title III, Part A State Review of Local Plans**

#### **Element 5.1 – State Review of Local Plans**

Reviewed Comments: The state has provided written documentation regarding what procedures the LEA must include in their plans and guidance to LEAs regarding AMAO determination.



Citation: Section 3116 (a)

#### **Element 5.2 – Private School Participation**

Reviewed No comments.

Citation: Sections 9501-9506

#### **Element 5.3 – Teacher English Fluency**

Reviewed Comments: South Dakota has developed an “endorsement” policy for bilingual/ESL certification which includes 18 hours of professional development; however, it is not a State requirement for ESL teachers to hold this endorsement. The State is encouraged to review this “informal” policy since progression through university level courses often insures that teachers will acquire both the academic English and other skills that they need to teach LEP students.

Citation: Section 3116 (c)

### **Title III, Part A State Monitoring of Subgrantees**

#### **Element 6.1 – State Monitoring of Subgrantees**

Reviewed Comments: The Title III Director reviews the LEA plans annually; also a state fiscal officer reviews the budget items. LEAS are monitored on site every five years.

Citation: Section 3116; 34 CFR 80.40

#### **Element 6.2 – Consortia**

Reviewed Comments: This is South Dakota’s first year of consortium participation. Each “attendance center within the consortium” is expected to issue parent notifications i.e. placement and program failure. Recommend that the State monitor this element to insure compliance.

Citation: Section 3114 (b)



**Title III, Part A**  
**Parental Notification**

**Element 7.1– Parental Notification**

Reviewed Comments: The State has developed new parent notification forms for LEAs to use.

Citation: Section 3302 (a) & (b)